IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8922 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GANGABEN MOHANBHAI BHESANIYA

Versus

KALABHAI MAVABHAI

Appearance:

MR ANSHIN H DESAI for Petitioners

Mr. LR Pujari AGP for Respondent No. 1, 2, 3, 4

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 20/09/2000

ORAL JUDGEMENT

Rule. Service of rule is waived by Mr. L.R.Pujari, learned Asstt.G.P. appearing for the respondent authorities. On the facts and in the circumstances of the case and with the consent of the

learned advocates for the respective parties, the matter is taken up for final hearing today itself.

In this petition, the petitioners are challenging the order passed by the Gujarat Revenue Tribunal in TEN.BR. No. 18 of 1987 dated 26.4.2000 wherein the application of the petitioner for being impleaded as party to the proceedings i.e. revision application filed by the respondent no.1 has been rejected on the ground that they were not party in the record of rights before the lower authority. Considering the said reasons given by the tribunal, the fact remain that the present petitioners who are sisters of the original appellant Kalabhai Malabhai and they are daughters of Mava Baghabhai and, therefore, they are necessary parties though they may not have been joined in the record of rights before the lower authority, they are necessary parties to the proceedings which has been filed by the appellant before the Gujarat Revenue Tribunal.

Considering these facts and circumstances of the case, the order passed by the Gujarat Revenue Tribunal dated 26th April, 2000 rejecting the application of the petitioners for being joined as party to the said proceedings is quashed and set aside. The tribunal is directed to allow the said application submitted by the petitioners and to join the petitioners as parties to the said proceedings pending before the tribunal being TEN.BR.No. 18 of 1987 pending before the tribunal. After allowing the said application for being joined as parties to the said proceedings, the tribunal shall issue notice to the concerned petitioners who have been ordered to be joined as parties to the said proceedings. This petition is accordingly allowed.

Rule is made absolute in terms indicated hereinabove with no order as to costs.

20.9.2000. (H.K. Rathod,J.)

Vyas